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Agenda Item 9(xii): Activity Report of the Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa

Honourable Chairperson and Commissioners,

Amnesty International is concerned that every year, governments across Africa fail to refrain from and prevent forced evictions of hundreds of thousands of people from their homes and the land that they occupy. These evictions have been carried out in the absence of due process requirements as outlined in international and regional human rights standards, which include adequate notice, genuine consultation and legal remedy.

Forced evictions constitute a gross violation of a range of human rights and entrench patterns of poverty. Too often they result in people living in even more precarious housing than they did previously or becoming homeless. Forced evictions also result in loss of access to livelihoods and food security and also impact several other rights such as the rights to education, health, water, sanitation and work.

In this statement we focus on forced evictions in two countries: Eswatini (formerly Swaziland) and Kenya.

ESWATINI

On 9 April 2018 the Deputy Sherriff of the Mbabane High Court, acting on court orders, carried out forced evictions in the Malkerns region. The evictions rendered at least 61 people including 30 children homeless. The resulting homelessness impacted not only the right to adequate housing, but a wide range of interrelated rights including the right to education, access to livelihoods and food security. Amnesty International is also aware of at least 300 people living under risk of imminent eviction in Madonsa, Mbondzela and Vuvulane.

KENYA

On 23 July 2018 about 10,000 people in Kibera, Nairobi, had their homes and everything they owned destroyed by bulldozers to make way for the construction of the Missing Link No. 12 road. Schools, health centres, and places of worship in the informal settlement of Kibera were also brought down, and as a consequence, more than 2000 students had to discontinue their schooling.

Kenyan authorities carried out another equally brutal and large-scale forced eviction merely ten days later. On 3 August, Kenya Railways Corporation and Kenya Power and Lighting Company demolished the homes of another 10,000 people living along the railway line in Kaloleni and Makongeni in Nairobi. Amnesty International witnessed the desperate frenzy as people scrambled to save their belongings even while bulldozers tore through their homes.



Amnesty International calls on the African Commission to renew its commitment and support for achieving adequate housing for all and to urge all States across Africa, including Eswatini, Kenya and Nigeria to:

1. Adopt a moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international and regional human rights laws and standards and laws;
2. Provide effective remedies, including adequate alternative housing to those rendered homeless as a result of the eviction, and adequate compensation for any loss or damage to property for persons who have been victims of a forced eviction; and
3. Ensure that immediate, independent and thorough investigations take place into the above-mentioned forced evictions and violence and that those suspected of criminal responsibility for the human rights abuses and violations committed during the forced evictions are prosecuted and punished [without recourse to the death penalty].